

WILLIAM PASSARELLA LG 6537,  
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:  
Plaintiff, : CIVIL ACTION NO. 18-3081  
:  
:  
v. :  
:  
:  
PERRY GALLESE (DEALER MICHEAL :  
USED CAR), JOHN CONTESSE :  
(CONTESSE AUTO TAG), and :  
ELIZABETH CELLINI (SISTER), :  
:  
:  
Defendants. :

**AND NOW**, this 7th day of September, 2018, after considering the application to proceed *in forma pauperis* (Doc. No. 6), the prisoner trust fund account statement (Doc. No. 7), the proposed complaint (Doc. No. 1), and the two motions for appointment of counsel (Doc. Nos. 5, 8) filed by the *pro se* plaintiff, William Passarella (“Passarella”); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

2. Passarella, #LG-6537, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information Passarella provided, an initial partial filing fee of \$3.15 is assessed. The superintendent or other appropriate official at SCI-Mahanoy or at any other correctional facility at which Passarella may be incarcerated is directed to deduct \$3.15 from Passarella's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be

credited to Civil Action No. 18-3081. After the initial partial filing fee is collected and until the full filing fee is paid, the superintendent or other appropriate official at SCI–Mahanoy or at any other correctional facility at which Passarella may be incarcerated, shall deduct from Passarella's account, each time that Passarella's inmate trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the clerk of court at the address provided above to be credited to Civil Action No. 18-3081;

3. The complaint (Doc. No. 1) is **DEEMED** filed;

4. The clerk of court is **DIRECTED** to send a copy of this order to the superintendent of SCI–Mahanoy;

5. The complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction;

6. Passarella has leave to file an amended complaint within thirty (30) days of the date of this order in the event that he can state a plausible basis for a claim within this court's jurisdiction. Any amended complaint must identify all of the defendants in the caption and must state the basis for Passarella's claims against each defendant. Any amended complaint may not rely on prior pleadings or filings to state a claim, and must state the basis for the court's jurisdiction. Alternatively, Passarella may file a complaint in state court rather than returning to this court. If Passarella files an amended complaint, the clerk of court shall not make service until so ordered by this court;

7. If Passarella fails to file an amended complaint, the court may dismiss this case without prejudice for the failure to prosecute without further notice; and

8. The motions for appointment of counsel (Doc. Nos. 5, 8) are **DENIED WITHOUT PREJUDICE.**

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.